



COUNTY OF LOS ANGELES  
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JOHN F. KRATTLI  
County Counsel

June 11, 2013

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#17 of June 11, 2013

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Agenda No. 12  
11/27/12

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2009-01269-(4)  
CONDITIONAL USE PERMIT NUMBER 2009-00087-(4)  
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing on the above-referenced project to establish and implement a development program to authorize the continued operation and maintenance of a flower shop and bookstore as well as similar commercial retail uses permitted in the C-3 zone, if such uses have substantially the same impacts as the existing flower shop and bookstore, located at 3323 Workman Mill Road, in the unincorporated community of North Whittier.

At the conclusion of the hearing, you indicated an intent to approve the permit and instructed our office to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

JOHN F. KRATTLI  
County Counsel

By

*Jill M. Jones*  
JILL M. JONES  
Deputy County Counsel

APPROVED AND RELEASED:

*Richard D. Weiss*  
RICHARD D. WEISS  
Chief Deputy  
JMJ:ph  
Enclosures

c: William T Fujioka, Chief Executive Officer  
Sachi A. Hamai, Executive Officer, Board of Supervisors

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NUMBER R2009-01269-(4)  
CONDITIONAL USE PERMIT NUMBER 2009-00087-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 2009-00087-(4) ("CUP") on November 27, 2012. The CUP was heard concurrently with Zone Change No. 2009-00007-(4) ("Zone Change"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP and Zone Change on July 27, 2011.
2. The permittee, St. Michael Orthodox Church ("permittee"), requests the CUP and the related Zone Change to establish and implement a development program to authorize the continued operation and maintenance of a flower shop and bookstore as well as similar commercial retail uses permitted in the C-3 zone, if such uses have impacts substantially the same as the existing flower shop and bookstore, in an existing 4,551-square-foot building on a 26,570-square-foot parcel located at 3323 Workman Mill Road, in the unincorporated community of North Whittier ("Project").
3. The CUP is a request to implement a development program for the Project, which is required for all projects that include zone changes with a corresponding Development Program (-DP) overlay zone, pursuant to section 22.40.030 of Title 22 of the Los Angeles County Code ("County Code"). The Development Program provides for the continued operation of the flower shop and bookstore and limited alternative commercial uses within the C-3 zone to ensure continued compatibility of the Project with the surrounding zones. The development program also requires that any future commercial uses have substantially similar impacts as the existing flower shop and bookstore.
4. The Zone Change is a related request to rezone the Project site from A-2-5 (Heavy Agriculture with 5-acre minimum lot size) to C-3-DP (Unlimited Commercial with Development Program), pursuant to section 22.16.070, et seq., of the County Code, to authorize the continued operation of a flower shop and bookstore, and other similar commercial retail uses that are allowed in the C-3 zone, within a building formerly approved as a religious education building. The Project site is currently designated as Major Commercial in the Countywide General Plan ("General Plan").
5. The CUP will not become effective until the proposed Zone Change is adopted by the Board and becomes effective.
6. Vehicular access to the Project site is provided by Workman Mill Road near its intersection with Peck Road.

7. The Project site is approximately .06 acres in size. The surrounding area includes a church, power transmission lines, industrial and warehouse uses, truck equipment storage, a County Sheriff's Academy, Rio Hondo Community College, the Puente Hills Landfill, and the Rose Hills Memorial Park. The Project's retail uses generate minimal traffic trips and do not create noise. The Project site is currently developed with a structure housing the existing flower shop and bookstore. These uses will continue under the proposed CUP and Zone Change.
8. The Project will comply with the development standards of the C-3 zone as specified in section 22.28.220 of the County Code as further described in this finding. The C-3 zone allows no more than 90 percent lot coverage by structures. The site's total lot area is 26,570 square feet and the building area is 4,551 square feet, resulting in a 17 percent lot coverage, thus satisfying this requirement. For the subject uses, the C-3 zone development standards require one parking space for each 250 square feet of building area, making the required number of parking spaces for the Project equal to 21 spaces. The Project site is developed with 31 spaces, or 10 spaces more than is required. Also, the proposed uses are enclosed and no outside display is being proposed, which complies with the outdoor display requirements of the C-3 zone. Two storage sheds measuring approximately 110 square feet each are located in the rear of the Project site and are used in conjunction with the businesses. This storage is incidental to the retail uses and is not considered outdoor storage. No other outside storage is being proposed.
9. The Project site is designated as Major Commercial in the Countywide General Plan. The purpose of this classification is to provide for a variety of small and large businesses. The proposed continuance of retail uses at this site is consistent with this designation.
10. The surrounding properties are zoned as follows:

North:	M-1.5-BE (Restricted Heavy Manufacturing with 5-acre minimum lot size, Billboard Exclusion);
South:	CPD (Commercial Planned Development) and M-1-DP (Light Manufacturing with Development Program);
East:	A-2-5; and
West:	A-2-5.
11. The surrounding land uses within a 1,000-foot radius include:

North:	Southern California Edison power transmission lines;
South:	St. Michael's Orthodox Church;
East:	Rio Hondo Community College; and
West:	Industrial warehouses.

12. Two previous land use cases were approved on the subject property. Zone Exception Case No. 9675 was approved on April 1, 1971, to authorize the construction of a religious institute with a modification of parking and wall standards. Zone Exception Case No. 9587 was approved on August 26, 1971, to authorize a religious college on less than the required area.
13. The structure on the subject property was built and used by the Church of Latter Day Saints as an educational building from the time of construction in 1971 until it became vacant in the 1990s. The permittee acquired the subject property in 2004 intending to utilize the building as office space for church administration. Shortly after acquiring the subject property, instead of using the building for office space, the permittee leased the building to retail tenants whose uses of the site were compatible with the adjacent church and surrounding area. For approximately four years thereafter, the front portion of the building was leased to a flower shop, and the rest of the building was leased as a bookstore, primarily selling textbooks to students attending nearby Rio Hondo Community College. These retail uses were compatible and enhanced the existing uses in the area and have not created off-site impacts to the surrounding area in terms of noise or traffic. Both retail uses were established by the permittee without prior knowledge that the A-2-5 zone does not permit any commercial uses.
14. In 2009, the permittee learned that continuing the commercial uses on the subject property would require the submission of an application to rezone the property from the existing agricultural zoning to a commercial zone. The permittee subsequently submitted an application for the Zone Change and CUP and has worked with the County's Department of Regional Planning ("Regional Planning") staff to prepare materials to assist in the consideration of the Zone Change.
15. The development program does not have an expiration date as the permitted uses are compatible with the surrounding area and do not adversely impact the surrounding properties. The surrounding area is developed with long-term uses and the draft General Plan Update does not propose major changes in the surrounding area.
16. The intent of the development program is to allow flexibility in the types of uses permitted on the subject property by authorizing the continued operation of the flower shop and bookstore and by also authorizing any use that is permitted by right in the C-3 zone that is shown to have substantially the same impacts to the limited retail uses of the existing flower shop and bookstore in terms of lot coverage, building bulk, type of merchandise, number of vehicle trips generated, operating hours, and off-site impacts such as noise and odors. The comparability of impacts shall be determined at the time of application for the change in use by the Director of Regional Planning ("Director") upon the submission of a revised Exhibit "A" and a project description detailing the scope of the proposed use. The use must be a use that is listed as a use permitted by-right in the C-3 zone, or in the zone category that has been adopted to replace

the C-3 zone, as enacted at the time that an application is submitted. If the Director determines that the proposed use is not substantially similar to the limited retail uses approved under the development program, a change of use may be established upon the approval of a CUP to establish a new development program. All proposed uses must meet the development standards of the zone, including requirements for parking, landscaping, and outside storage and display. A "fast food" restaurant is not considered a compatible use. Another type of restaurant could be evaluated as a similar use if the permittee demonstrates no adverse impacts. The sale, repair, rental, or storage of automobiles, motorcycles, recreational vehicles, boats, trailers, or other large merchandise shall not be considered a similar use.

17. Prior to the Commission's public hearing, Regional Planning staff determined that the Project was categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 1-Existing Facilities categorical exemption.
18. On July 27, 2011, a duly-noticed public hearing was held before the Commission, and the Commission heard a presentation from Regional Planning staff in support of the Project. No members of the public testified regarding the Project. At the hearing, the Commission discussed the criteria that would be used to determine what retail uses would have substantially the same impacts as the existing flower shop and bookstore, and thus would be permitted in the C-3-DP zone without requiring a new CUP. Specifically, it was discussed that a "fast food" restaurant would not be permitted because it would have substantially different off-site impacts than the existing limited retail uses. The Commission expressed its intent that the site should maintain uses that are compatible with the surrounding church. There being no further testimony, the Commission closed the public hearing and determined that the project was categorically exempt from CEQA pursuant to a Class 1-Existing Facilities Categorical Exemption, approved the CUP, and recommended approval of the Zone Change to the Board.
19. Pursuant to section 22.60.230(B)(2) of the County Code, because the Project approvals included a recommendation by the Commission to the Board on the Zone Change, the CUP was called up for review by the Board concurrently with the requested Zone Change.
20. On November 27, 2012, the Board conducted a duly-noticed public hearing on the Project and heard a presentation from Regional Planning staff regarding the Project. The permittee did not testify and no members of the public testified.
21. The Board finds that the requested Zone Change for the Project site from A-2-5 to C-3-DP requires a CUP in order to establish and implement a development program for the Project.

22. The Board finds that the Project is consistent with the goals and policies of the General Plan. The Project provides a service that is incidental to neighborhood-serving commercial uses and is consistent with the types of uses that are located in the surrounding area.
23. The Board finds that the Project is consistent with the surrounding area in the unincorporated community of North Whittier. The current retail uses, the flower shop and bookstore, have operated for approximately four years without any problems or complaints. The Zone Change will allow the use of the building for retail uses permitted in the C-3 zone that are in demand in the area due to the church, the cemetery, and the community college in the vicinity.
24. The Board finds that the Project site is surrounded by industrial and commercial zones and will not adversely affect these zones.
25. The Board finds that the Project site is located adjacent to two major highways that can support commercial retail uses.
26. The Board finds that the Project is in compliance with outdoor display and storage requirements of the County Code. Section 22.28.220.C and D of the County Code require that all displays shall be located entirely within an enclosed building, with certain exceptions, unless otherwise authorized by a temporary use permit, and outside storage is permitted on the rear of a lot or parcel of land when such storage is strictly incidental to the permitted use. No additional outside display or storage is proposed or authorized as part of this Project.
27. The Board finds that the Project complies with the sign requirements of the County Code. Pursuant to section 22.52.870, business signs are permitted in the C-3 zone, subject to the restrictions outlined in sections 22.52.880-22.52.920. No new business signs are proposed by the permittee at this time. Any new signs will be subject to the signage provisions of the County Code.
28. The Board finds that the permittee has submitted a development program consisting of a site plan and progress schedule, which, including the updated information required pursuant to the conditions of approval, complies with the requirements of section 22.40.050 of the County Code.
29. The Board finds that the development program provides the necessary safeguards to ensure completion of the proposed development by the permittee and that the development program ensures that the Project will not be replaced by a lesser type of development contrary to public convenience, welfare, or the development needs of the surrounding area.

30. The Board finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.
31. The Board finds that the Project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project complies with all development standards applicable in the underlying zoning.
32. The Board finds that the Project site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.
33. The Board finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. The Project site is surrounded by industrial and commercial uses. The surrounding uses include a church, community college, and cemetery which are all served by the proposed commercial retail uses.
34. The Board finds that the Project will serve as a public convenience as it will provide commercial retail services to the surrounding church, community college, and cemetery.
35. The Board finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values because no changes are proposed to the existing buildings on the Project site.
36. The Board finds that to ensure continued compatibility between the Project and surrounding land uses, it is necessary to limit retail uses to those permitted in the C-3 zone that would have substantially the same impacts as the existing flower shop and bookstore.
37. The Board finds that compatibility with the surrounding land uses will be ensured through the CUP and Zone Change.

38. The Board finds that pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and libraries located in the vicinity of the North Whittier community.
39. The Board finds that the Project is exempt from CEQA pursuant to the Class 1-Existing Facilities categorical exemption.
40. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:**

- A. With the attached conditions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.
- B. The Project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. The Project site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.
- D. The development program, as approved through the CUP, provides necessary safeguards to ensure operation of the Project by the permittee and to forestall the substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.

- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the surrounding area.
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Certifies that it found the Project to be exempt from CEQA and the State and County Guidelines related thereto at the conclusion of the public hearing on the Project; and
2. Approves Conditional Use Permit No. 2009-00087-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL  
PROJECT NUMBER R2009-01269-(4)  
CONDITIONAL USE PERMIT NUMBER 2009-00087-(4)**

1. This grant authorizes the establishment and implementation of a development program to authorize the continued operation and maintenance of the existing on-site flower shop and bookstore as well as commercial retail uses permitted in the C-3 zone that have the same or substantially the same impacts as the existing flower shop and bookstore, all in connection with a zone change from A-2-5 (Heavy Agriculture with a 5-acre minimum lot size) to C-3-DP (Unlimited Commercial with Development Program).
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 10, and until all required fees have been paid pursuant to Condition No. 12. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 6, 7, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to section 22.60.260 of the Los Angeles County Code ("County Code").
5. Approval of this grant for purposes of the continued operation and maintenance of the existing on-site flower shop and bookstore, as well as commercial retail uses permitted in the C-3 zone that have the same or substantially the same impacts as the existing flower shop and bookstore, shall not become effective until Zone Change No. 2009-00007-(4) ("Zone Change") is approved by the County Board of Supervisors ("Board") and the Zone Change becomes effective.
6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to reasonably cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

7. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the County Code.

8. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing, with payment of the applicable fee, before the expiration date.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
10. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file at Regional Planning. The permittee shall deposit with the County the sum of \$2,000. This deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred

while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 10 biennial (one every other year) inspections. Inspections shall be unannounced.

12. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated, that this grant has been exercised so as to be detrimental to the public's health or safety, so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.
14. All development pursuant to this grant must be kept in full compliance with the requirements of the County Department of Public Works and the County Fire Department.
15. All requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
16. Except for seasonal decorations or signage provided by or for a civic non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about said premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the approved plans on file at Regional Planning marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is required.

#### PERMIT SPECIFIC CONDITIONS

18. The permittee may substitute any use permitted in the C-3 zone shown to have substantially the same impacts as the current retail uses, a flower shop and bookstore, by submitting a detailed description of the proposed use demonstrating that it will be substantially similar in terms of its characteristic properties, including lot coverage, building bulk, number of vehicle trips generated, and operating hours. The proposed use will be evaluated to ensure that it will not create an adverse impact on adjacent properties by reason of visual blight, glare, noise, fumes, or drainage runoff. For the purposes of determining permitted uses, the proposed use shall be listed as a use permitted by-right in the C-3 zone as of the date of the adoption of the Zone Change. The proposed use must meet the applicable development standards required by the zone.
19. Uses prohibited by this development program include, but are not limited to, a "fast food" style restaurant, which are restaurants characterized by high occupancy loads and traffic volumes; and the sale, rental, repair or storage of automobiles, motorcycles, recreational vehicles, boats, trailers, and other large bulk items.
20. Outside storage is permitted in the rear of the subject property when such storage is incidental to the permitted use and complies with section 22.28.220 of the County Code.
21. Existing signage at the site shall be permitted as depicted on the approved Exhibit "A." New signage or any modification pursuant to this grant to or replacement of the existing signage shall comply with all other applicable requirements of Chapter 22.52, Part 10 of the County Code.
22. The permittee shall maintain all landscaping on the site in a neat, clean, and healthful condition, and shall undertake to properly prune, weed, fertilize, and replace plants when necessary.
23. All parking spaces shall be left open and available for employees and customers, and no inoperable vehicles shall be parked or stored in the provided parking spaces.